

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Laquan Demetrius Collier, #260292,)	C/A NO. 3:11-590-CMC-JRM
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
Cpt. Tanch; Lt. Harouff; Lt Laslay,)	
)	
Defendants.)	
_____)	

This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pre-trial proceedings and a Report and Recommendation ("Report"). On January 23, 2012, the Magistrate Judge issued a Report recommending that Defendants' motion for summary judgment be granted. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff filed "objections" to the Report on January 30, 2012.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by

the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After conducting a *de novo* review as to objections made, and considering the record, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the findings of the Report. Therefore, the court adopts the Report by reference in this Order.

Plaintiff's objections seek to place his case "on hold until I hire a civil action lawyer." Obj. at 1 (ECF No. 38, filed Jan. 30, 2012). On October 27, 2011, after having been given several extensions to respond to Defendants' summary judgment motion, Plaintiff wrote the court seeking additional time in which to respond. Plaintiff indicated he did not want his case "drop[ped]", and to "bear with me until I can get the funds to pay for a civil action lawyer." Letter at 1 (ECF No. 35, filed Oct. 27, 2011). No appearance by counsel was thereafter filed, despite almost three months between Plaintiff's request and the Report being issued. Now, Plaintiff fails to offer any specific objection to the Report, but again seeks to have this matter placed "on hold" while he attempts to hire an attorney.

The court declines to grant Plaintiff's request. Plaintiff has had ample opportunity to provide a response to Defendants' motion and/or hire counsel to do so. Therefore, Defendants' motion for summary judgment is **granted** and this matter is dismissed with prejudice.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
February 3, 2012